

REMARKS:

Claims 1 and 3-14 are pending in the application. Claim 2 has been cancelled.

Claims 4, 5 and 6 remain as originally patented in U.S. Patent 5,433,064 without any amendment.

Claim 1 has been amended to incorporate the subject matter of cancelled claim 2, with additional limitations. Claim 3 has been amended to appear in independent form, with additional limitations. Claims 7-14 are newly added.

Also submitted herewith is an Information Disclosure Statement in accordance with applicants' duty of candor. The IDS identifies materials that were not cited during prosecution of the original patent.

It is respectfully submitted that the claims contained in the reissue application as amended define patentably over all of the art of record, including that identified in the herewith submitted IDS.

Forwarding of formal Notice of Allowance of this application is respectfully requested. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By 

Stephen D. Timmons, Reg. No. 26,513
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
816/474-9050

ATTORNEYS FOR APPLICANT(S)

(Docket No. 22970-RE1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Application of: |) | Docket No.22970-RE1 |
| SCHMITT, Raymond F., et al. |) | Group Art |
| Reissue of Patent No. 5,433,064 |) | |
| Issued: July 18, 1995 |) | |
| ROTARY CUTTER BED HARVESTER |) | |
| WITH NON-AUGER CONVEYING MEANS) | | |
| FOR OUTBOARD CUTTERS |) | |

Mail Stop Reissue
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT OF STATUS AND SUPPORT FOR CHANGES TO CLAIMS
UNDER 37 CFR § 1.173(c)

Following is a statement of the status of the claims in the instant reissue application and support for changes made therein:

Claims 1 and 3-14 are pending in the application. Claim 2 has been cancelled.

Claims 4, 5 and 6 remain as originally patented in U.S. Patent 5,433,064 without any amendment.

Claim 1 has been amended to incorporate the subject matter of cancelled claim 2, with additional limitations. Claim 3 has been amended to appear in independent form, with additional limitations. Claims 7-14 are newly added.

The following sets forth exemplary support for the claim changes, with reference to the column and line number from Patent 5,433,064 (support for all claim preambles may be found in the original claims and will not be repeated herein):

| <i>Changes</i> | <i>Support</i> |
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| Claim 1: | |
| <u>said cutter bed further including an elongated, transversely extending, generally flat, hollow gear case below the cutters;</u> | Fig. 4; col. 5, ll. 17-24; col. 1, ll. 58-67; col. 2, ll. 29-36 |
| <u>a pair of transversely extending, oppositely rotating conditioning rolls disposed within and spanning said discharge opening above and behind the cutter bed for conditioning crop materials received from the cutters;</u> | Fig. 2; col. 6, ll. 29-32; from U.S. Patent 5,272,859 (incorporated by reference in 5,433,064 at col. 5, ll. 2-6): Figs. 2, 7 & 9, col. 4, ll. 34-44 |
| said series of cutters including a group of <u>multiple pairs of</u> intermediate cutters positioned in front of <u>and aligned with</u> said discharge opening with the first and last cutters of said intermediate group being located adjacent said opposite ends of the discharge opening, | Fig. 2; col. 5, ll. 10-20; col. 8, ll. 13-22 |
| <u>said means for driving the end cutters including gears within said gear case;</u> | col. 1, ll. 58-67; col. 2, ll. 29-36 |
| <u>non-auger</u> conveying means operably associated with each end cutter and its next adjacent intermediate group cutter for moving cut crop materials inwardly toward said discharge opening | Figs. 11-18; col. 14, l. 8 ("Non-Auger Conveying Means"); col. 14, ll. 22-24, 36-38, and 58-60 |
| <u>said conveying means including an endless conveyor belt entrained around the axes of rotation of the end cutter and its next adjacent intermediate group cutter,</u> | col. 14, ll. 22-24 |
| <u>said conveyor belt having a generally upright, flat, front surface and being driven in a direction to move said front surface toward the discharge opening.</u> | col. 14, ll. 24-28 |

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| Claim 3: | |
| <u>a cutter bed including a series of rotary cutters extending across the path of travel of the machine and rotatable about individual upright axes,</u> | Figs. 2, 3 and 4; col. 5, ll. 7-14 |
| <u>said cutter bed further including an elongated, transversely extending, generally flat, hollow gear case below the cutters;</u> | Figs. 2, 3 and 4; col. 5, ll. 17-24; col. 1, ll. 58-67; col. 2, ll. 29-36 |
| <u>a crop discharge opening located behind the cutter bed for receiving severed crop materials from the series of cutters;</u> | Figs. 2, 3 and 4; col. 7, ll. 17-22 |
| <u>a pair of transversely extending, oppositely rotating conditioning rolls disposed within and spanning said discharge opening above and behind the cutter bed for conditioning crop materials received from the cutters,</u> | Fig. 2; col. 6, ll. 29-32; from U.S. Patent 5,272,859 (incorporated by reference in 5,433,064 at col. 5, ll. 2-6): Figs. 2, 7 & 9, col. 4, ll. 34-44 |
| <u>said discharge opening having a pair of opposite ends,</u> | Figs. 2, 3 and 4; col. 7, ll. 22-28 |
| <u>said series of cutters including a group of multiple pairs of intermediate cutters positioned in front of and aligned with said discharge opening with the first and last cutters of said intermediate group being located adjacent said opposite ends of the discharge opening,</u> | Fig. 2; col. 5, ll. 10-20; col. 8, ll. 13-22 |
| <u>said series of cutters further including at least a pair of opposite end cutters located outboard of the first and last cutters of the intermediate group and outboard of said discharge opening;</u> | Figs. 2, 3 and 4; col. 8, ll. 23-30; col. 7, ll. 25-28; col. 14, ll. 9-12 |

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| <u>means for driving the cutters of said intermediate group in oppositely rotating pairs for directing severed material between the cutters of each pair and into the discharge opening,</u> | Figs. 2 and 4; col. 8, ll. 13-22; col. 5, 20-27; col. 7, ll. 29-35 |
| <u>the first and last cutters of the intermediate group rotating generally inwardly toward the discharge opening across the front of the cutter bed;</u> | Figs. 2, 12, 14, 15 and 17; col. 8, ll. 23-36; col. 8, ll. 13-19 |
| <u>means for driving the end cutters in the same direction as their next adjacent first or last cutter of the intermediate group such that the end cutters and the first and last cutters of the intermediate group all rotate generally inwardly toward the discharge opening across the front of the cutter bed,</u> | Figs. 2, 12, 14, 15 and 17; col. 8, ll. 23-36; col. 1, ll. 58-67; col. 2, ll. 29-36 |
| <u>said means for driving the end cutters including gears within said gear case; and</u> | col. 1, ll. 58-67; col. 2, ll. 29-36 |
| <u>non-auger conveying means operably associated with each end cutter and its next adjacent intermediate group cutter for moving cut crop materials inwardly toward said discharge opening,</u> | Figs. 11-18; col. 14, l. 8 ("Non-Auger Conveying Means"); col. 14, ll. 22-24, 36-38, and 58-60 |
| said intermediate impeller being rotatable in the same direction as the corresponding end cutter and adjacent intermediate group cutter such that the [impellets] <u>impellers</u> effectively present a forwardly facing, inwardly moving front surface for conveying cut crop materials toward the discharge opening. | typographical error |
| Claim 7: | |
| <u>a cutter bed including a series of rotary cutters extending across the path of travel of the machine and rotatable about individual upright axes,</u> | Figs. 2, 3 and 4; col. 5, ll. 7-14 |

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| <u>said cutter bed further including an elongated, transversely extending, generally flat, hollow gear case below the cutters;</u> | Figs. 2, 3 and 4; col. 5, ll. 17-24; col. 1, ll. 58-67; col. 2, ll. 29-36 |
| <u>a crop discharge opening located behind the cutter bed for receiving severed crop materials from the series of cutters;</u> | Figs. 2, 3 and 4; col. 7, ll. 17-22 |
| <u>a pair of transversely extending, oppositely rotating conditioning rolls disposed within and spanning said discharge opening above and behind the cutter bed for conditioning crop materials received from the cutters,</u> | Fig. 2; col. 6, ll. 29-32; from U.S. Patent 5,272,859 (incorporated by reference in 5,433,064 at col. 5, ll. 2-6); Figs. 2, 7 & 9, col. 4, ll. 34-44 |
| <u>said discharge opening having a pair of opposite ends,</u> | Figs. 2, 3 and 4; col. 7, ll. 22-28 |
| <u>said series of cutters including a group of multiple pairs of intermediate cutters positioned in front of and aligned with said discharge opening with the first and last cutters of said intermediate group being located adjacent said opposite ends of the discharge opening,</u> | Fig. 2; col. 5, ll. 10-20; col. 8, ll. 13-22 |
| <u>said series of cutters further including at least a pair of opposite end cutters located outboard of the first and last cutters of the intermediate group and outboard of said discharge opening;</u> | Figs. 2, 3 and 4; col. 8, ll. 23-30; col. 7, ll. 25-28; col. 14, ll. 9-12 |
| <u>means for driving the cutters of said intermediate group in oppositely rotating pairs for directing severed material between the cutters of each pair and into the discharge opening,</u> | Figs. 2 and 4; col. 8, ll. 13-22; col. 5, 20-27; col. 7, ll. 29-35 |
| <u>the first and last cutters of the intermediate group rotating generally inwardly toward the discharge opening across the front of the cutter bed;</u> | Figs. 2, 12, 14, 15 and 17; col. 8, ll. 23-36; col. 8, ll. 13-19 |

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| <u>means for driving the end cutters in the same direction as their next adjacent first or last cutter of the intermediate group such that the end cutters and the first and last cutters of the intermediate group all rotate generally inwardly toward the discharge opening across the front of the cutter bed,</u> | Figs. 2, 12, 14, 15 and 17; col. 8, ll. 23-36; col. 1, ll. 58-67; col. 2, ll. 29-36 |
| <u>said means for driving the end cutters including gears within said gear case; and</u> | col. 1, ll. 58-67; col. 2, ll. 29-36 |
| <u>non-auger conveying means operably associated with each end cutter and its next adjacent intermediate group cutter for moving cut crop materials inwardly toward said discharge opening,</u> | Figs. 11-18; col. 14, l. 8 (“Non-Auger Conveying Means”); col. 14, ll. 22-24, 36-38, and 58-60 |
| <u>said conveying means including an outer upright, generally cylindrical impeller, an inner upright, generally cylindrical impeller, and an intermediate upright, generally cylindrical impeller between said outer and inner impellers,</u> | Figs. 13-18; col. 14, ll. 36-44; col. 14, ll. 58-64 |
| <u>said impellers all being disposed higher than the cutters and rotatable in the same direction as one another such that front extremities thereof move generally inwardly toward the discharge opening.</u> | Figs. 15-18; col. 14, ll. 36-68; col. 15, ll. 1-3 |
| Claim 8: | |
| <u>said intermediate impeller comprising a drum having an at least substantially solid exterior wall,</u> | Figs. 13-15; col. 14, ll. 36-57 |
| Claim 9: | |
| <u>said intermediate impeller comprising a cage having a series of upright members arranged in a circumferentially spaced pattern.</u> | Figs. 16-18; col. 14, ll. 58-68; col. 15, ll. 1-3 |


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| Claim 10: | |
| <u>said intermediate impeller being suspended above and in spaced relation to the cutter bed.</u> | Figs. 13-18; col. 14, ll. 48-57; col. 15, ll. 6-9 |
| <u>said intermediate impeller having a drive shaft therefor extending downwardly into the intermediate impeller from above the same.</u> | Figs. 13-18; col. 14, ll. 48-52; col. 15, ll. 9-12 |
| Claim 11: | |
| <u>said outer impeller being rotatable on the same axis as the end cutter and said inner impeller being rotatable on the same axis as the next adjacent intermediate group cutter.</u> | Figs. 2-9, 13-18; col. 6, ll. 5-8; col. 7, ll. 13-22, ll. 48-50; col. 8, ll. 3-5 |
| Claim 12: | |
| <u>the axes of rotation of the three impellers being generally disposed in a line.</u> | Figs. 13-18 |
| Claim 13: | |
| <u>said line of the axes of rotation of the three impellers extending generally parallel with a front edge of the cutter bar.</u> | Figs. 13-18 |
| Claim 14: | |
| <u>said front extremities of the outer, inner, and intermediate impellers being generally in transverse alignment with one another.</u> | Figs. 13-18; col. 14, ll. 38-44, ll. 60-64 |

The amendments to the claims are explained in further detail in the accompanying Reissue Preliminary Amendment filed herewith.

Any fee which is due in connection with this Statement of Status and Support for claims should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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Stephen D. Timmons, Reg. No. 26,513
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
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